

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

Plaintiff,

v.

B4B EARTH TEA LLC, a limited liability  
company;

B4B CORP., a corporation; and

ANDREW MARTIN SINCLAIR, individually  
and as an officer of B4B EARTH TEA LLC and  
B4B CORP.,

Defendants.

**AFFIDAVIT OF MATTHEW D.  
ASBELL IN SUPPORT OF MOTION  
FOR LEAVE TO WITHDRAW AS  
COUNSEL FOR DEFENDANTS**

**Civil Action No.: 22-CV-1159**

Matthew D. Asbell, being duly sworn, pursuant to 28 U.S.C. § 1746, does hereby depose and states under penalty of perjury that the following is true and correct:

1. I submit this affidavit in support of the motion made by Matthew Asbell (“Asbell”) and Tony Pezzano (“Pezzano”), attorneys at Offit Kurman, P.A. (“Offit”), for leave to withdraw as counsel for the Defendants.
2. I am an attorney licensed in New York and admitted to practice before the Eastern District of New York.
3. I entered an appearance in this matter as counsel for the Defendants B4B Earth Tea LLC (“B4B Earth Tea”), B4B Corp., and Andrew Martin Sinclair (“Sinclair”) on September 29, 2022, and participated in a status conference on that date.
4. I subsequently continued my representation of the Defendants, zealously representing them in negotiations with counsel for Plaintiff with the objective, as originally agreed with Defendants, to achieve a settlement of this matter.
5. I met and conferred with counsel for Plaintiff in support of its submission of a joint status report on October 28, 2022 as required by the Court.
6. Defendant Sinclair both as an individual and as an officer of Defendants B4B Earth Tea and B4B Corp. has advised me of his disagreement with me and with my firm over the language of the status report and whether to continue pursuing settlement and voluntary dismissal of this action.
7. Defendant Sinclair both as an individual and as an officer of Defendants B4B Earth Tea and B4B Corp. has advised me that Defendants will not follow my or Offit’s advice on how to proceed in this matter.
8. Defendant Sinclair both as an individual and as an officer of Defendants B4B Earth Tea and B4B Corp. has advised me that the Defendants are unwilling to settle this matter.
9. At this point, there has been a complete breakdown of communication between Offit and each of the Defendants such that the attorney-client relationship between the parties has deteriorated.
10. I met and conferred with counsel for Plaintiff on December 20, 2022, and counsel for Plaintiff confirmed that it does not oppose this Motion.

Dated: December 20, 2022  
New York, New York

/s/Matthew D. Asbell  
Matthew D. Asbell  
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